

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
v.) No. 3:05-CR-39
) (Phillips)
WILLIAM WRIGHT, JR.)

ORDER

On August 8, 2005, the Honorable C. Clifford Shirley, Jr., United States Magistrate Judge filed a forty-page Report and Recommendation (R&R) [Doc. 22] in which he recommended that defendant's motion to suppress [Doc. 13] be denied. This matter is presently before the court on timely objections to that R&R filed by defendant. See 28 U.S.C. § 636(b)(1); *see also* Fed.R.Crim.P. 45(a) and (e).

As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which defendant objects. Additionally, in doing so, the court has carefully reviewed the transcript of the suppression hearing before Judge Shirley on June 30, 2005 [Doc. 19], and has reviewed the video tape recording of the traffic stop in question [Doc. 18]. This review indicated, to the court's complete satisfaction, that Judge Shirley has thoroughly and correctly analyzed the legal issues presented in defendant's motion to suppress.

In short, the court concludes that at the time Officer Offenbacher stopped defendant, he had probable cause for the stop; that the officer's questions were reasonable under the circumstances and did not unduly prolong the traffic stop; that the search of defendant's trunk was within the scope of defendant's consent; that the officer properly performed a *Terry* search of defendant's car; and that defendant was not entitled to *Miranda* warnings prior to answering Officer Offenbacher's questions.

Accordingly, defendant's objections are hereby **OVERRULED** in their entirety, and the R&R [Doc. 22], is **ACCEPTED IN WHOLE** whereby defendant's motion to suppress evidence [Doc. 13] is **DENIED**.

ENTER:

s/ Thomas W. Phillips
United States District Judge